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SINGLE BENCH

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# IN THE HIGH COURT OF JUDICATURE AT BILASPUR CHHATTISGARH

## WRIT PETITION (S) NO. 585 / 2006

**PETITIONER'S** :

1. Venkat Raman Pratap Singh, S/o. Shri Gouri Shanker Aged about 37 years, Head Master, Govt. Middle School, Khorsi, Block – Pamgarh, Distt.- Janjgir- Champa (C.G.)
2. Ramesh Kumar Gadewal, S/o. Duli Ram Gadewal, Aged about 37 years, Head Master Govt. Middle School, Navapara, Block – Nawagarh, Distt.- Janjgir-Champa
3. Estore Minje, S/o. Shri Suleman Minje, Aged about 38 years, lecturer, Govt. Girl's Hr. Sec. School, Janjgir, Distt.- Janjgir-Champa (C.G.)

P.R. No. 5835/06 Presented on 18/10/06 dated

RECEIVED-COPY 18/10/06 CLERK to A. G. BILASPUR

**VERSUS**

**RESPONDENT'S** :

1. State of Chhattisgrh, Through – The Secretary, Department of Education, D.K.S. Bhawan, Raipur (C.G.)
2. Director, Public Instruction Raipur Chhattisgarh.
3. Joint Director, Public Instruction Bilaspur Sambhag, (C.G.)
4. District Education Officer, Distt. –Janjgir-Champa (C.G.)

OATH COMMISSIONER APARNA MALVIYA CG-10/2006 17/10/06 Bilaspur Chhattisgarh

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**WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA**

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HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P. (s) No. 5815 of 2006

Petitioners : Venkat Raman Pratap Singh & others

Versus

Respondents : State of Chhattisgarh & others

**Single Bench**: Hon'ble Mr. Justice **Satish K. Agnihotri.**

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Shri Anil Singh Rajput, Advocate for the Petitioner.

Shri Sumit Verma, Panel lawyer for the State/respondents.

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O R D E R

(27th October, 2006)

1. Learned counsel appearing for the petitioner submits that the petitioners were appointed on the post of Upper Division Teacher vide order dated 29.3.1992 (Annexure P/1) in the pay scale of Rs. 1400 – 2640. It is further submitted by learned counsel for the petitioners that after a period of three years the services of the petitioners have been regularized but for the first three years the petitioners were paid only Rs. 800/- p.m. though they were entitled to get monthly payment on the basis of regular pay scale during that period.

2. Learned counsel for the petitioner placed reliance on a decision of the Madhya Pradesh State Administrative Tribunal passed on 18.2.2000 in O.A.No. 3006/1993 (Utam Kumar Banjari and others Vs. State of M.P. & others). In that case the petitioners were appointed on the post of Upper Division Teacher in the pay scale of Rs. 1400-2640 vide order dated 29.3.1992 but subsequently the Joint Director, Public Instructions, Hoshangabad passed the order that instead of payment of salary in the regular scale of pay of

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Rs. 1400-2640 the petitioners would be paid only consolidated fixed sum of Rs. 800/- for three years and only after three years, they would be given salary in the regular scale of pay. Learned Tribunal quashed the order passed by the Joint Director and directed the respondents to make payment of salary in the regular scale of pay of Rs. 1400-2640 along with all applicable allowances from the date of appointment of the petitioners.

3. Learned counsel for the petitioner further submits that the question of law and the facts involved in this petition are too similar to that of in the case of Utam Kumar Banjari & others Vs. State of M.P. & others O.A.No. 3006/1993. The present case is squarely covered by the order dated 18.2.2000 passed by the Tribunal in O.A.No. 3006/1993. Learned counsel appearing for the respondents fairly concedes and agrees with the submission made by the petitioner.

4. For the above stated reasons the petitioners are granted four weeks time to make a representation before the competent authorities to consider the case of the petitioners in the same terms as per the order dated 18.2.2000 passed in O.A.No. 3006/1993. In the event the petitioners stand on the same position, the petitioners are entitled to the same relief.

5. For the reasons stated above, this petition is disposed of.

Sd/-
Satish K. Agnihotri
Judge

Thakur